

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. Chinnaian et al. Attorney Docket No.: AXCO121326

Application No.: 10/798,834 Art Unit: 3733 / Confirmation No: 5037

Filed: March 10, 2004 Examiner: D.C. Comstock

Title: DEVICE AND METHOD FOR FIXING BONE SEGMENTS

RESPONSE TO RESTRICTION REQUIREMENT

Seattle, Washington 98101

February 28, 2007

TO THE COMMISSIONER FOR PATENTS:

In an Office Communication mailed December 29, 2006, the Examiner has set forth the position that the currently pending claims are directed to three patentably distinct species, which are: Species I, FIGURE 1; Species II, FIGURE 10; and Species III, FIGURE 11. Accordingly, applicants are required to elect one of the species for further prosecution on the merits pursuant to 35 U.S.C. § 121.

In response to the election of species requirement, applicants hereby elect Species III, FIGURE 11, without traverse, for prosecution on the merits. Claims 1-6 and 8-24 read on elected Species III. Claims 1, 4, 5, 6, 16-21, and 24 are believed to be generic to all Species.

The Examiner is invited to telephone the undersigned with any remaining issues regarding this matter.

Respectfully submitted,
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